

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>NICHOLAS GEORGE,</b>	:	
<b>Plaintiff,</b>	:	
	:	<b>Civil Action</b>
<b>v.</b>	:	
	:	<b>No. 10-586</b>
<b>REIHL, et al.,</b>	:	
<b>Defendants.</b>	:	

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**DEFENDANT REIHL AND RICHARDS' ANSWER AND  
AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT**

Defendant Police Officers and Reihl and Richards, by and through undersigned counsel, hereby files this answer and affirmative defenses to Plaintiff's Complaint and aver as follows:

1. The allegations contained in this paragraph constitute conclusions of law and/or the plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
2. The allegations contained in this paragraph constitute conclusions of law and/or the plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
3. The allegations contained in this paragraph constitute conclusions of law and/or the plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
4. Denied. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.

5. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
6. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
7. Admitted in part denied, in part. It is admitted only that Defendant Reihl was an officer of the Philadelphia Police Department at the time of the events giving rise to this action. The remaining allegations contained in this paragraph constitute conclusions of law and/or the plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, these allegations are denied.
8. Admitted in part denied, in part. It is admitted only that Defendant Richards was an officer of the Philadelphia Police Department at the time of the events giving rise to this action. The remaining allegations contained in this paragraph constitute conclusions of law and/or the plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, these allegations are denied.
9. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
10. The allegations contained in this paragraph constitute conclusions of law and/or the plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.

11. The allegations contained in this paragraph constitute conclusions of law and/or the plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
12. The allegations contained in this paragraph constitute conclusions of law and/or the plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, denied.
13. Denied. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
14. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
15. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
16. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
17. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.

18. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
19. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
20. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
21. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
22. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
23. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
24. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.

25. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
26. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
27. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
28. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
29. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
30. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
31. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.

32. After reasonable investigation, Answering Defendants lacks information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph and, therefore, all allegations are denied.
33. Denied. The allegations contained in this paragraph constitute conclusions of law and/or plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, these allegations are denied.
34. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
35. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
36. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
37. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
38. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.

39. Denied. After reasonable investigation, Answering Defendants lack sufficient information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
40. Denied. After reasonable investigation, Answering Defendants lack sufficient information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
41. Denied. The allegations contained in this paragraph constitute conclusions of law and/or plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, these allegations are denied.
42. Denied. After reasonable investigation, Answering Defendants lack sufficient information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
43. Denied. After reasonable investigation, Answering Defendants lack sufficient information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
44. Denied. After reasonable investigation, Answering Defendants lack sufficient information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
45. Denied. After reasonable investigation, Answering Defendants lack sufficient information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.

46. Denied. After reasonable investigation, Answering Defendants lack sufficient information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
47. Denied. After reasonable investigation, Answering Defendants lack sufficient information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
48. Denied. After reasonable investigation, Answering Defendants lack sufficient information or knowledge sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
49. Denied. The allegations contained in this paragraph are denied as inaccurate, untrue and misleading.
50. Denied. After reasonable investigation, Answering Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
51. Denied. After reasonable investigation, Answering Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
52. Denied. After reasonable investigation, Answering Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
53. Denied. After reasonable investigation, Answering Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.

54. Denied. After reasonable investigation, Answering Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
55. Denied. After reasonable investigation, Answering Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
56. Denied. The allegations contained in this paragraph are denied as untrue inaccurate and misleading.
57. Denied. The allegations contained in this paragraph are denied as untrue, inaccurate and misleading.
58. Denied. The allegations contained in this paragraph are denied as untrue, inaccurate and misleading.
59. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied as untrue, inaccurate and misleading.
60. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
61. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.

62. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
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69. Denied. The allegations contained in this paragraph do not require a response as they are addressed to John Does who are fictitious individuals. Therefore, no further answer is required. To the extent a response is required, these allegations are denied.
70. Denied. After reasonable investigation, Answering Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
71. Denied. After reasonable investigation, Answering Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
72. Denied. After reasonable investigation, Answering Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
73. Denied. After reasonable investigation, Answering Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
74. Denied. The allegations contained in this paragraph are denied as untrue, inaccurate and misleading.
75. Denied. After reasonable investigation, Answering Defendants lack knowledge or information sufficient to form a belief as to the truth of the averments contained in this paragraph. All allegations are therefore denied.
76. Denied. The allegations contained in this paragraph constitute conclusions of law and/or plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, these allegations are denied.

77. Denied. The allegations contained in this paragraph constitute conclusions of law and/or plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, these allegations are denied.

78. Denied. The allegations contained in this paragraph constitute conclusions of law and/or plaintiff's statement of the case and, therefore, require no response. To the extent a response is required, these allegations are denied.

WHEREFORE, the Answering Defendants deny that they are liable on the cause of actions declared herein, and demand judgment in their favor plus interest and costs.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

Answering Defendants are immune from liability under the doctrine of qualified immunity.

Respectfully submitted,

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s/ Genelle Franklin  
GENELLE FRANKLIN  
Assistant City Solicitor  
City of Philadelphia Law Department  
Civil Rights Unit  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

DATED: April 27, 2010

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<b>NICHOLAS GEORGE,</b>	:	
<b>Plaintiff,</b>	:	
	:	<b>Civil Action</b>
<b>v.</b>	:	
	:	<b>No. 10-586</b>
<b>REIHL, et al.,</b>	:	
<b>Defendants.</b>	:	

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date I caused a copy of the Defendant Police Officers Reihl and Richardson's Answer and Affirmative Defenses to be filed electronically and is available for viewing and downloading from the ECF System of the U.S. District Court for the Eastern District of Pennsylvania and served upon the following, via first class mail, postage prepaid:

Ben Wizner  
Jonathan Manes  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> Floor  
New York, NY 10004

Mary Catherine Roper  
American Civil Liberties Union Foundation of Pennsylvania  
P.O. Box 40008  
Philadelphia, PA 19106

David Rudovsky  
Kairys, Rudovsky, Messing & Feinberg, LLP  
718 Arch Street, Suite 501S  
Philadelphia, PA 19106

By: /s/ Genelle Franklin  
GENELLE FRANKLIN  
Assistant City Solicitor  
Law Department-Civil Rights Unit  
1515 Arch Street, 14<sup>th</sup> Floor  
Philadelphia, PA 19102

DATED: April 27, 2010